

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1-8, 11, and 16 were pending in the application. Claims 1 and 11 have been amended and no claims have been added. Therefore, Claims 1-8, 11, and 16 are pending in the application.

The Examiner rejected Claims 1-2 and 6-8 under 35 U.S.C. 102(b) as being anticipated by Kadlic [US5816915]. Applicant respectfully traverses the rejection.

Kadlic discloses a method of playing poker in which a player selects from a plurality of hands a single hand to be played. A pay table is displayed for the various payouts based on standard poker hand rankings. Unlike Applicant's disclosure, there is no limitation on the combinations in the pay table. Applicant's independent claims 1 and 11, as amended, specifically require that the table of values includes at least one combination of elements consisting of a sequential series in which the last element of the series corresponds to the highest order, with all elements of the same color, and at least one combination consisting of a sequential series in which the first element of such series corresponds to the lowest order, with all elements of the same color. These specific combinations are not merely straight flushes. If that were the case, A, 2, 3, 4, 5 of the same suit would be an equal winning combination to 5, 6, 7, 8, 9 of the same suit, as provided for in Kadlic. According to the game disclosed in Kadlic, a player with a sequence of four cards of the same suit has two chances of obtaining a winning combination; one at the top end and one at the bottom end of the sequence. In the present invention, there is less chance to obtain a specific winning combination, therefore more risk and a greater payoff for obtaining such winning combination. As Kadlic fails to disclose such a limitation, independent Claims 1 and 11 are patentably distinguished. Claims 2 and 6-8 depends from Claim 1 and incorporate the same limitations as Claim 1. Thus, Claims 2, and 6-8 are patentably distinguished.

The Examiner rejected Claims 1-8, 11, and 16 under 35 U.S.C. 103(a) as being unpatentable over Moody et al. [US5976016]. Applicant respectfully traverses the rejection.

As described above, amended independent Claims 1 and 11 requires a Table of Values that rewards a player who obtains at least one specific sequence of elements starting with the lowest indicia, such as 0, 1, 2, 3, 4 of the same color, as identified in the Table of Values on page



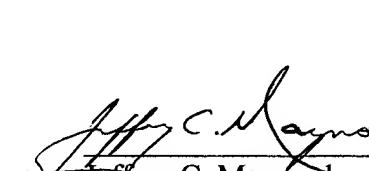
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14 of the specification. Such winning combination has a higher ranking than a plain straight flush. The specific combination of types of elements and odds of obtaining a specific winning combination make this a unique game, unlike that disclosed in the reference. Moody et al. in no way teach or suggest such a construction as claimed using colored balls as playing elements and having a specific Table of Values with specific sequences, one starting at the lowest indicia and also one ending at the highest indicia. Rather, Moody et al. teach a slot machine game in which the same selected elements are played for multiple lines. Nowhere in the specification or table of values disclosed by Moody et al. is a specific combination of a selected indicia and color described or suggested. As Moody et al. fail to teach or suggest such a limitation, independent Claims 1 and 11 are patentably distinguished. Claims 2-8 depend from Claim 1 and incorporate the same limitations as Claim 1. Thus, Claims 2-8 are patentably distinguished. Claim 16 depends from Claim 11 and incorporates the same limitations as Claim 11. Thus, Claim 16 is patentably distinguished.

CONCLUSION

Applicant has made a diligent effort to address the objections identified by the Examiner and believe all claims remaining in the application are allowable. Accordingly, a Notice of Allowability is respectfully requested. However, if the Examiner is of the opinion that the present application is not in condition for allowance, Applicant respectfully requests that the Examiner contact Applicant's attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,


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